

ZCZCPWH015

Z 061850Z NOV 72

FM COL GUAY HAKTO 17  
TO THE SITUATION ROOM

ZEM

T O P S E C R E T SENSITIVE EXCLUSIVELY EYES ONLY

DECEMBER 6, 1972

72 DEC 6 PM 2:19

WHITE HOUSE  
SITUATION ROOM

HAKTO 17

TO: KENNEDY -FLASH-

FROM: KISSINGER

PLEASE PASS THE FOLLOWING MESSAGE AS SOON AS POSSIBLE  
TO THE PRESIDENT. IT IS IMPERATIVE THAT IT BE READ AND WE GET  
A RESPONSE AS SOON AS POSSIBLE. BEGIN TEXT.

1. WE HELD A BRUTAL FIVE-HOUR SESSION THIS AFTERNOON  
AT OUR LOCATION. BOTH SIDES REVIEWED THE PRESENT NEGOTIATING  
SITUATION AND ESSENTIALLY STUCK TO THEIR POSITIONS. I AGAIN  
EMPHASIZED YOUR WILLINGNESS TO MAKE A SETTLEMENT BUT ONLY IF  
WE GOT THE CHANGES NEEDED TO UNDERTAKE THE NECESSARY  
MASSIVE EFFORT WITH SAIGON. THEIR POSITION REMAINED ESSENTIALLY  
AS IT WAS ON MONDAY, I.E., OFFERING US THE CHOICE OF RETURNING  
TO THE OCTOBER AGREEMENT OR EXACTING CONCESSIONS FROM US IN  
EXCHANGE FOR ANY CHANGES THEY WOULD ACCEPT. ALL THEIR PROPOSED  
CHANGES ARE UNACCEPTABLE. AT THE END WE DECIDED TO MAKE ONE  
FINAL EFFORT TOMORROW IN WHICH I TOLD THEM WE WOULD PRESENT  
OUR ABSOLUTE MINIMUM CONDITIONS ON A TAKE-IT-OR-LEAVE-IT  
BASIS. THO HELD TO HIS POSITION THAT THERE WOULD BE NO CHANGES  
IN THE PROVISIONS OF THE AGREEMENT, BUT THAT WE COULD DISCUSS  
"DETAILS". WE WILL MEET AT 1500 AT THEIR PLACE.

2. IN MY VIEW THE ABSOLUTE MINIMUM CONDITIONS WE NEED  
ARE THE FOLLOWING:

-- WE MUST MAINTAIN ALL THE CHANGES WE ACHIEVED LAST  
WEEK. THIS IN ITSELF WILL BE A MURDEROUSLY TOUGH ACCOMPLISH-  
MENT, SINCE THO SAID THAT SOME OF THEM WERE SUBSTANTIVE AND  
NOT MATTERS OF "DETAILS".

-- OBTAIN THE CORRECT TRANSLATION FOR "ADMINISTRATIVE  
STRUCTURE" SO AS TO MAKE CLEAR THAT THE COUNCIL IS STRICTLY  
NONGOVERNMENTAL.

-- ADD A THREE-MONTH TARGET DATE FOR THE DEMOBILIZATION  
PROVISION TO BRING IT INTO LINE WITH THE POLITICAL PROVISIONS  
AND GIVE THIEU SOME BARGAINING LEVERAGE.



-- ADD A PROVISION IN THE CHAPTER ON NORTH-SOUTH RELATIONS THAT NORTH AND SOUTH VIETNAM WILL NOT USE FORCE AGAINST ONE ANOTHER.

-- RETAIN THE PRISONER CHAPTER AS IT WAS IN OCTOBER, I.S. LEAVE THE QUESTION OF SOUTH VIETNAMESE CIVILIAN PRISONERS TO THE SOUTH VIETNAMESE PARTIES THEMSELVES AND NOT LINK IT IN THE AGREEMENT TO OUR MEN. THIS WILL BE EXTREMELY DIFFICULT, AS THO IS OBVIOUSLY UNDER TREMENDOUS PRESSURE FROM THE VIET CONG ON THIS ISSUE.

-- MAKE THE CEASEFIRE IN LAOS MORE SIMULTANEOUS WITH THE VIETNAM ONE, E.G. 15 DAYS LATER.

-- GET THE INTERNATIONAL SUPERVISION MACHINERY IN PLACE BY THE TIME OF THE CEASEFIRE.

-- A COMPROMISE FORMULA ON THE PREAMBLE IN WHICH THE DOCUMENT WE WOULD SIGN WOULD INCLUDE THE TITLE OF THE PRG, BUT THE DOCUMENT TO BE SIGNED BY THE GVN WOULD NOT.

IN RETURN FOR THE ABOVE, AND IN ORDER TO ALLOW THO TO SAY THAT HE GOT SOME CHANGES FROM US, I WOULD OFFER:

-- SOME LANGUAGE CONCERNING THE WITHDRAWAL OF AMERICAN CIVILIANS ENGAGED IN MILITARY ACTIVITIES WHICH DOD HAS APPROVED.

-- A SENTENCE STIPULATING THAT NORTH AND SOUTH VIETNAM WILL DISCUSS THE MODALITIES FOR CROSSING THE DMZ, WHICH I BELIEVE WE CAN KEEP INNOCUOUS.

3. I WOULD PRESENT THIS PACKAGE AS OUR FINAL ROCKBOTTOM POSITION. YOU MUST UNDERSTAND, HOWEVER, THAT EVEN MAINTAINING THE CHANGES OF LAST WEEK WILL BE EXTREMELY DIFFICULT, AND GETTING THE ABOVE PACKAGE I CONSIDER NEARLY IMPOSSIBLE. FURTHERMORE, EVEN IF WE WERE TO GET ALL OF THIS, SAIGON IS ALMOST CERTAIN TO REFUSE THE AGREEMENT. IN SUM, THE OUTCOME WOULD BE THAT WE WOULD HAVE IMPROVED THE OCTOBER AGREEMENT, BY STRENGTHENING THE DMZ, REAFFIRMING THE GENEVA AGREEMENTS WITH RESPECT TO LAOS AND CAMBODIA, MAKING EASIER MILITARY AID REPLACEMENTS, IMPROVING THE TONE OF THE DOCUMENT WITH RESPECT TO U.S. OBLIGATIONS, DELETING THE REFERENCE TO ONLY THREE COUNTRIES IN INDOCHINA, MAKING CLEAR IN VIETNAMESE THAT THE COUNCIL IS NOT A GOVERNMENT, ADDING A THREE-MONTH TARGET DATE TO THE DEMOBILIZATION PROVISION, A FASTER CEASEFIRE IN LAOS, INTERNATIONAL MACHINERY IN PLACE AT THE TIME OF THE CEASEFIRE AND SOME OTHER TECHNICAL CHANGES. WE WILL HAVE ALSO BOUGHT THE GVN SEVERAL WEEKS TO GET READY FOR THE CEASEFIRE AND GIVEN THEM OVER A BILLION DOLLARS IN SOPHISTICATED MILITARY EQUIPMENT. NEVERTHELESS, AND DESPITE OUR CONSULTATIONS AND GUARANTEES OVER THE PAST WEEKS, WE CAN BE CERTAIN THAT EVEN THIS MODIFIED AGREEMENT WILL BE REJECTED BY SAIGON, WHICH HAS DUG ITSELF INTO THE POSITION OF DEMANDING WHAT AMOUNTS TO SURRENDER BY THE OTHER SIDE. YOU MUST THEREFORE REALIZE THAT IF YOU AUTHORIZE ME TO PROCEED ALONG THE ABOVE LINES AND WE SUCCEED, YOU WILL FACE A MAJOR CONFRONTATION WITH THE GVN. UNLESS YOU ARE PREPARED TO UNDERTAKE SUCH A CONFRONTATION YOU SHOULD NOT INSTRUCT ME TO FOLLOW THIS COURSE.



MOREOVER, AS I HAVE CONSISTENTLY TOLD YOU SINCE MID-SEPTEMBER, THIS IS A VERY HIGH RISK OPERATION. THE EVENTUAL OUTCOME OF ANY SETTLEMENT WILL ESSENTIALLY TURN ON THE CONFIDENCE AND POLITICAL PERFORMANCE OF THE TWO SIDES. HAVING SEEN THE TOTAL HATRED AND PATHOLOGICAL DISTRUST BETWEEN THE VIETNAMESE PARTIES, AND KNOWING AS WELL THAT HANOI HAS NO INTENTION OF GIVING UP ITS STRATEGIC OBJECTIVES, WE MUST FACE THE REALITY THAT THIS AGREEMENT MAY LACK THE FOUNDATION OF MINIMUM TRUST THAT MAY BE NEEDED. THUS IT COULD WELL BREAK DOWN. IT WILL CERTAINLY REQUIRE FROM US A POSTURE OF CONSTANT READINESS AND WILLINGNESS TO INTERVENE TO KEEP HANOI AND ITS SOUTH VIETNAMESE ALLIES FROM NIBBLING AT THE EDGES ALONG THE LINES OF YOUR COMMITMENT TO DUC.

4. AT THE SAME TIME YOU MUST CONSIDER WHETHER WE WANT AN AGREEMENT AT THIS TIME AT ALL. EVEN THE OCTOBER AGREEMENT WAS A GOOD ONE IF SAIGON WERE TO PURSUE IT WITH ENERGY AND DRIVE FOR A POLITICAL VICTORY, IN THE CONTEXT OF CLOSE COOPERATION AND BACKING FROM US. SIMILARLY ANY AGREEMENT THAT IT IS POSSIBLE TO OBTAIN GIVEN THE EXISTING REALITIES ON THE GROUND WON'T SUCCEED IF SAIGON TREATS IT AS A FORERUNNER OF DOOM. THEREFORE UNLESS THE GVN DOES A MAJOR TURN-AROUND IN ITS ATTITUDE, IT COULD EASILY COLLAPSE. WE CAN BE SURE THAT HANOI AND ITS SOUTHERN ALLIES WILL BE RELENTLESS IN THE PURSUIT OF THEIR OBJECTIVES.

5. IF THE NEGOTIATIONS BREAK DOWN TOMORROW WE WILL HAVE TO RESUME MASSIVE BOMBING AND TAKE THE POSITION THAT OUR ONLY OBJECTIVES HENCEFORTH WILL BE U.S. MILITARY DISENGAGEMENT IN RETURN FOR THE RELEASE OF OUR PRISONERS; WE WOULD HAVE PROVEN THAT IT IS IMPOSSIBLE TO NEGOTIATE A MORE COMPREHENSIVE SETTLEMENT BECAUSE OF THE IMPLACABILITY OF THE TWO VIETNAMESE SIDES. I BELIEVE WE COULD OBTAIN A PRISONER FOR MILITARY DISENGAGEMENT DEAL BY NEXT SUMMER, BUT ONLY IF WE KEEP UP THE BOMBING SINCE WE HAVE TOO FEW ASSETS IN SOUTH VIETNAM TO OFFER A DEAL WORTHWHILE TO HANOI. IF WE ARE WILLING TO PAY THE DOMESTIC AND INTERNATIONAL PRICE, RALLY THE AMERICAN PEOPLE, AND STAY ON OUR COURSE, THIS OPTION HAS FEWER RISKS THAN THE OTHER ONE, GIVEN THE GVN ATTITUDE. IF YOU DECIDE ON THIS, TOMORROW I CAN EASILY BRING ABOUT A STALEMATE BY INSISTING ON A CLAUSE WHICH WOULD IMPLY THE REMOVAL OF NORTH VIETNAMESE TROOPS. I AM CLEAR THAT THO WOULD NOT AGREE TO THIS. WE WOULD THEN HAVE A PERFECT RECORD OF HAVING GONE THE EXTRA MILE IN THE NEGOTIATIONS, WITH THE AGREEMENT FOUNDERING ON TWO ISSUES: FIRST, THE NORTH VIETNAMESE INSISTENCE ON THEIR RIGHT TO MAINTAIN TROOPS IN THE SOUTH AND PERMANENTLY INTERVENING; AND SECOND, HANOI'S HAVING TRICKED US ON THE TRANSLATION OF "ADMINISTRATIVE STRUCTURE". INDEED, GIVEN THE INTRANSIGENCE OF THE DRV THIS WEEK, THIS IS LIKELY TO BE WHERE WE END UP EVEN IF WE PRESENT THE BARE MINIMUM POSITION OUTLINED ABOVE. YOU WILL BE ABLE TO JUDGE THE POLITICAL PRICE OF SUCH A COURSE. AS TO THE OUTCOME, IT WOULD NOT BE BETTER NEXT SUMMER BUT THE ASPECT OF CONFRONTATION WITH THIEU WOULD BE REDUCED.



6. ACCORDINGLY, WE ARE AT THE CROSSROADS AND I WOULD BE EXTREMELY GRATEFUL FOR YOUR INSTRUCTIONS ON TWO QUESTIONS. FIRST, SHOULD I MAKE ONE LAST ATTEMPT TO GET AN AGREEMENT OR SHOULD I STALEMATE THE TALKS? SECOND, IF I TRY FOR THE AGREEMENT, DO YOU APPROVE THE MINIMUM POSITION I HAVE OUTLINED?

WARM REGARDS. END TEXT.

NNNN